



SANZAAR JUDICIAL HEARING WRITTEN REPORT

HEARING DETAILS	
Video-conference Date	24-Apr-18
Judicial Committee Chairman	Adam Casselden SC (Australia)
Committee Member 1	Eroni Clarke (New Zealand)
Committee Member 2	De Wet Barry (South Africa)
Appearance Player	Yes
Player Legal Representative	Attie Heyns
Player Representatives	Xander van Rensburg
SANZAAR Liaison	Matthew Barlow

PARTICULARS OF OFFENCE	
Player's name	Pierre Schoeman
Franchise name	Bulls
Offence	"Law 9.12 - A player must not physically...abuse anyone. Physical abuse includes, but is not limited to, biting..."
Method (Red Card / Citing)	Citing
Plea	The Player admitted a breach of Law 9.12 for biting
Competition	SANZAAR Super Rugby 2018
Date of Match	21-Apr-18
Opponent	Melbourne Rebels
Venue	Loftus Versveld, Pretoria
Round	10

APPLICABLE DISCIPLINARY RULES



ESSENTIAL ELEMENTS OF CITING / REFEREE'S REPORT / DVD FOOTAGE

The Player accepted the Citing Commissioner's report as an accurate account of the incident that resulted in the Citing, except in one respect, namely, the penalty was against the Rebels not the Bulls . The Citing Commissioner's report was in the following terms:

1."Cleaning out " of BULLS #1 by REBELS # 20 at ruck.2. Only these two players went to ground in a scuffle 5m beyond ruck.3.Play continued and stopped for penalty against Bulls.4.Referee looks back at scuffle as players from both teams ran towards scuffle breaking up and returning to play again.# 20 Rebels lifts up his jumper showing 'bite marks' when returning also talking to his captain.5.Referee refers incident to T.M.O.who cannot detect any Foul Play.6.Referee calls captains and informs them that without evidence ' in his report' he could not sanction what caused the bite marks.

In my opinion there are CIRCUMSTANTIAL 'DIRECT' EVIDENCE supporting the CITING of # 1 BULLS PIERRE SCHOEMAN for biting # 20 REBELS RICHARD HARDWICK.1.SCUFFLE 58 08 'only two players involved'2.Statement from Rebels # 20 Richard Hardwick3.Report from Referee Ben 'O KEEFFE 4.Medical Report from Match Dr and photos of injury.5.Referral from Rebels

In my opinion above incident reached the RED CARD THRESHOLD."

ESSENTIAL ELEMENTS OF EVIDENCE

The Citing Commissioner's report broadly corresponded with what is observed in the video footage. The video footage shows Rebels # 20 illegally cleaning out the Player past the ruck, approximately 3-5 metres, and then to the ground. Thereafter, the Player and Rebels # 20 wrestle/scuffle on the ground. At a point towards the end of the wrestle/scuffle Rebels # 20 is seen lying on top of the Player who he has pinned down on his back by use of his body weight. The Player gave evidence that at this point he was struggling to free himself from Rebels # 20's grip and was struggling to breath because Rebels # 20's body was covering his mouth and he was exhausted. The Player said he was unable to turn his head as Rebel # 20's weight was pinning his head to the ground. The Player stated he was short of breath and was gasping for air. In an act of desperation and as a last resort to free himself, because he was unable to get from underneath Rebels # 20, he bit him on the abdomen. The Player said he did not intend to injure Rebels # 20 but carried out the action when he felt he had no other way of removing his body from over his mouth. The photographs of Rebels #20's abdomen reveal a mark consistent with a bite. The appearance of the bite mark in the photographs show a superficial wound to the Rebels # 20's skin which is consistent with the report of the Match Day Doctor, Dr Marais who described the mark as "composed of two semi-lunar bruises, that were purple, red and blue in colour and 45mm x 48mm in size. The area of swelling was confined to an area of

1mm around the lesions as well as the area in between. Only the epidermis was violated, except at the right lower corner of the lesion, where the skin was punctured." Rebels # 20 continued to play the remainder of the match and is available for selection for Round 11.

SANCTIONING PROCESS



ESSENTIAL ELEMENTS OF EVIDENCE

DECISION

The Judicial Committee accepted the Player's early admission and therefore upheld the citing. Accordingly, the Player was found to have committed an offence of physical abuse (biting) under Law 9.12 of the Laws of the Game.

SANCTIONING PROCESS



ASSESSMENT OF SERIOUSNESS - R9.4

The Judicial Committee assessed the seriousness of the Player's conduct as being at the lower end of the scale of seriousness. The Player admitted his offending was intentional (R9.4(a)). The offending was grave as it involved him biting an opponent's abdomen (R9.4(c) and (d)). Whilst the act of biting is inexcusable the Player gave, in our opinion, a frank explanation for his actions. He was pinned down by the weight of Rebel # 20 with his mouth covered and was gasping for air. In order to free himself he deliberately bit him through his clothing. Whilst that does not excuse his abhorrent behaviour it provides some explanation for his misconduct. Given those circumstance the Judicial Committee felt that was a factor to be taken into account when assessing the seriousness of the offence (R9.4(m)). There was a superficial wound to Rebels # 20 which did not prevent him from continuing to play out the match (R9.4(h)). The offending did not have any influence on the outcome of the match (R9.4(i)). Rebels # 20 was not placed in a vulnerable position, quite the contrary, as it was the Player who was placed in a vulnerable position pinned down by Rebels # 20 and unable to breath (R9.4(j)). We do not believe the offending was premeditated but was, however, completed (9.4(k) and (l)).

RELEVANT AGGRAVATING FACTORS - R9.5

There were no aggravating factors.

RELEVANT MITIGATING FACTORS - R9.6

The Player admitted his offending at the first available opportunity. The Judicial Committee considered him a frank and candid witness. The Player has an exemplary disciplinary record. Apart from two yellow cards (high tackle and

team infringement) he otherwise has an unblemished record. Mr van Rensburg and Mr Heyns both spoke of his excellent character. We had no reason to doubt their assessment of the Player's character. The Player is relatively young (23 years) and relatively inexperienced in Super Rugby. The Player conducted himself respectfully and appropriately at the hearing. The Player was clearly remorseful for his actions. He tried unsuccessfully to apologise to Rebels # 20 after the match. Since that attempt he has been in contact with Rebels # 20 who has accepted his apology. Having given the matter some considerable thought the Judicial Committee felt, in the circumstances of this case, that the Player should be entitled to a reduction of 50% for mitigating factors.



SANCTION

World Rugby Sanctions for Foul Play (Regulation 17) mandates a 12 week sanction for a low end assessment for a breach of Law 9.12 (biting). Allowing a 50% discount for mitigating circumstances reduces the sanction from 12 weeks to 6 weeks. One week equates to one rugby match. The Player is therefore unable to play his next six scheduled rugby matches. The Player was scheduled to play for the Bulls in the next five Super Rugby rounds, being Rounds 11 to 15. On 2 June 2018 the Player is scheduled to play for the Blue Bulls in the Super Sports Challenge against Welwitschas. The Judicial Committee considered this a meaningful match that will have a meaningful playing consequence to the Player. Accordingly, the Player is suspended from all forms of rugby up to and including 2 June 2018. The Player is free to play rugby from 3 June 2018.

SANCTION DETAILS

Total Sanction	6 weeks
Sanction Commences	Immediately
Sanction Concludes	2-Jun-18
Signature (Chairman)	
Date: 30 April 2018	